

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

715C0461

## SENATE BILL NO. 138

Introduced by: Senators Hainje, Brown (Arnold), Drake, and Lawler and Representatives  
Fiegen, Broderick, Cerny, Cutler, Eccarius, and Windhorst

1 FOR AN ACT ENTITLED, An Act to provide limited liability for the use of automated external  
2 defibrillators.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. For the purposes of this Act, AED means an automated external defibrillator.

5 Section 2. Any person who acquires an AED shall ensure that:

6 (1) Expected AED users receive American Heart Association training in cardiopulmonary  
7 and AED use, or an equivalent nationally recognized course in cardiopulmonary and  
8 AED use;

9 (2) The defibrillator is maintained and tested according to the manufacturer's operational  
10 guidelines;

11 (3) There is involvement of a licensed physician or medical authority to the site's program  
12 to ensure compliance with requirements for training, notification, and maintenance;  
13 and

14 (4) Any person who renders emergency care or treatment on a person in cardiac arrest  
15 by using an AED activates the emergency medical services system as soon as possible  
16 and reports any clinical use of the AED to the licensed physician or medical authority.

1       Section 3. Any person who acquires an AED shall notify an agent of the emergency  
2       communications or vehicle dispatch center of the existence, location, and type of AED.

3       Section 4. Any person, who in good faith and without compensation, renders emergency care  
4       or treatment by the use of an AED is immune from civil liability for any personal injury as a result  
5       of such care or treatment, or as a result of an act or failure to act in providing or arranging  
6       further medical treatment, if the person acts as an ordinary, reasonably prudent person would  
7       have acted under the same or similar circumstances. The immunity from civil liability for any  
8       personal injury under this section includes the licensed physician or medical authority who is  
9       involved with AED site placement, the person who provides the cardiopulmonary and AED site  
10      placement, the person who provides the cardiopulmonary and AED training, and the person  
11      responsible for the site where the AED is located. This immunity applies if the requirements of  
12      section 2 of this Act are fulfilled.

13      The immunity from civil liability under this section does not apply if the personal injury  
14      results from the gross negligence or willful or wanton misconduct of the person rendering such  
15      emergency care.

16      Section 5. The requirements of section 2 of this Act do not apply to any person who uses an  
17      AED during an emergency if the use of the AED was, in the person's judgment, indicated and  
18      necessary at the time.